

GUIDELINES - BILL OF COSTS - RULE 54(d)(1)

1. Within thirty (30) days after the expiration of the time allowed for appeal of a final judgment, whether or not an appeal has been filed, the prevailing party shall serve on the attorney for the adverse party and file with the clerk of court the original and one copy of a Bill of Costs and Disbursements (Form 21), together with a certificate of service.
2. Any Bill of Costs shall precisely set forth each item thereof, and shall be verified by the attorney for the applicant, stating that: the items are correct; the services were actually and necessarily performed; and the disbursements were necessarily incurred in the action or proceeding. Counsel shall attach to the verified Bill of Costs copies of all invoices in support of the request for each item.
3. Counsel are directed to 28 U.S.C. § 1927 regarding counsel's liability for excessive costs.
4. The failure of a prevailing party either to timely file a Bill of Costs, or to comply with these Guidelines, shall constitute a waiver of any claim for costs.
5. If a party objects to the Bill of Costs or any item claimed by a prevailing party, that party shall state its objection in a motion for disallowance of costs with a supporting brief within ten (10) days after the filing of the Bill of Costs. Within five (5) days thereafter, the prevailing party may file a response motion and brief.
6. After the clerk or his designee has entered an order on the Bill of Costs, counsel for either party may, within five (5) days, file a motion to review the action of the clerk and request review by the court. Once the court has ruled on the motion filed by any party, and the matter of costs has been determined, those costs shall be included in the judgment and shall be paid directly to the prevailing party. These costs are not processed through the office of the clerk. To record payment, counsel may file a Notice of Satisfaction of Costs (Form 22).
7. The clerk or his designee shall tax costs even if the case is appealed, unless a stay pending appeal has been granted by the court. In the event of a stay, counsel shall be responsible to advise the clerk at the conclusion of all appellate proceedings that costs may be taxed.
8. Authority for the clerk to tax costs is found at:
 - 28 U.S.C. § 1920 (taxation of costs);
 - 28 U.S.C. § 1821 (per diem and mileage generally);
 - 28 U.S.C. § 1921 (fees of United States Marshals Service);
 - 28 U.S.C. § 1922 (witness fees);
 - 28 U.S.C. § 1923 (docket fees and costs of briefs);
 - 28 U.S.C. § 1924 (verification of bill of costs);
 - USCIT R. 54(d)(1)
 - USCIT R. 82(b)

(Added May 25, 2004, eff. Sept. 1, 2004.)